

Capital Case Compensation Maximums (attorney fees, not expenses)

Requests for compensation in excess of the amounts below are considered presumptively excessive:

Type of Proceeding	District Court Level	Appellate Court Level	Hourly Rate*
Federal Capital Prosecutions	\$100,000	\$50,000	\$178
28 U.S.C. § 2254 or § 2255	\$35,000	\$15,000	\$178

Requests for compensation exceeding these amounts must be accompanied by written justification and will be forwarded with a recommendation to the chief judge of the circuit, or designee, who will determine the amount of fees to be paid. See [The Judicial Council of the Fifth Circuit, *Special Procedures for Reviewing Attorney Compensation Request in Death Penalty Cases*](#), amended Feb. 1, 2005.

*Hourly rate applies to work performed on or after January 1, 2010. Where counsel's appointment occurred before this effective date, the new compensation rates apply to that portion of services rendered on or after January 1, 2010.